MINIMUM WAGE LAW

STATUTORY CITATION: Or. Rev. Stat. §§ 653.010 – 653.269

RELATED REGULATIONS: Or. Admin. R. 839-020-0000 – 839-020-1020

GENERAL SUMMARY: Provisions in Chapter 653 of the Oregon statutes prohibit most employers in the state from employing workers at wages less than the Oregon minimum wage. In early 2016, the state approved a measure raising the hourly minimum wage in seven steps and establishing separate rates for non-urban counties, standard counties, and the Portland metro area:

Effective July 1, 2017: $10.00 in non-urban counties, $10.25 in standard counties, $11.25 in Portland Metro

Effective July 1, 2018: $10.50 in non-urban counties, $10.75 in standard counties, $12.00 in Portland Metro

Effective July 1, 2019: $11.00 in non-urban counties, $11.25 in standard counties, $12.50 in Portland Metro

Effective July 1, 2020: $11.50 in non-urban counties, $12.00 in standard counties, $13.25 in Portland Metro

Effective July 1, 2021: $12.00 in non-urban counties, $12.75 in standard counties, $14.00 in Portland Metro

Effective July 1, 2022: $12.50 in non-urban counties, $13.50 in standard counties, $14.75 in Portland Metro

Beginning July 1, 2023, and on July 1 each year thereafter, the standard-county minimum wage will be adjusted to reflect any increase in the August-to-August consumer price index. The non-urban minimum will be set at $1.00 per hour less than the standard rate, and the Portland Metro rate will be $1.25 over the standard rate.

Every employer subject to the minimum wage must keep a record of the name, address and occupation of each employee and the actual hours worked each week and each pay period. With every payment of wages, subject employers must provide each worker with an itemized statement of the amount and purpose of each deduction from the worker's wages.

PROVISIONS APPLICABLE TO AGRICULTURE

COVERAGE — Unless excluded by one of the exceptions noted below, farmworkers in Oregon are entitled to receive at least the minimum wage for every hour of labor, in accordance with the schedule outlined above, and their employers must observe the same recordkeeping and wage itemization requirements applicable to other subject employers. In applying the minimum wage, employers may deduct the fair-market value of lodging, meals or other facilities or services furnished for the private benefit of their workers.

EXCEPTIONS — The following classes of farmworkers are not covered by the state minimum wage law:

(1) Workers employed as hand harvest or pruning laborers who are (a) paid on a piecework basis in an operation generally recognized as a piecework operation in the region of employment, and (b) working for an employer who did not use more than 500 worker-days of piecework-paid farm labor during any calendar quarter of the preceding calendar year.

(2) Hand-harvest or pruning workers who (a) are paid on a piecework basis in an operation generally recognized as a piecework operation in the region of employment, (b) commute daily from their permanent residence to the farm job site, and (c) were employed in agricultural labor less than 13 weeks during the preceding calendar year.

(3) Hand-harvest workers who (a) are 16 years of age or younger, (b) are paid on a piece-rate basis in a recognized piecework operation, and (c) are paid at the same piece rate as workers over the age of 16 on the same farm.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).* Representatives of the Bureau are authorized to examine payroll records at any place of employment in the state, interview employees, and take other steps to ascertain compliance with the minimum wage provisions. The Bureau may take legal action to recover unpaid minimum wages on behalf of any worker who has received less than the amount to which he or she is entitled. In addition to the unpaid wages involved, an employer found to have unlawfully paid less than the minimum wage is liable for court costs and attorney's fees, as well as civil penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*